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Attorneys for Defendants  
Bankers Life Advisory Services, Inc.,  
CNO Financial Group, Inc.,  
K.F. Agency, Inc., Oscar Larranga,  
and James Covington

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Jason Crews,

Plaintiff,

vs.

Bankers Life Advisory Services, Inc., et  
al.,

Defendants.

No. 2:23-cv-02658-SMB

**MOTION TO WITHDRAW AS  
COUNSEL FOR DEFENDANT  
JAMES COVINGTON**

Pursuant to *LR Civ* 83.3(b)(2), counsel for Defendants, David F. Gaona and Steven K. Huffer (appearing *pro hac vice*), respectfully move to withdraw as counsel of record for individual Defendant James Covington. In particular, at the outset of this matter, Plaintiff presented to all Defendants a Waiver of Service document, together with a copy of the Complaint. Consistent with Defendant Banker's Life's practices, Banker's Life will permit

1 its attorney to provide a defense to individual agents named in a lawsuit relating to Banker's  
2 Life's business if those agents were documented agents of Banker's Life during the  
3 timeframe alleged in the lawsuit. Information obtained at the outset of this matter relative to  
4 the two (2) individual Defendants, Mr. Covington and Mr. Larranga, confirmed that each  
5 were active agents/employees of Defendant Banker's Life Advisory Service, Inc. and/or K.F.  
6 Agency, Inc., an affiliate of Banker's Life. Thus, undersigned counsel appeared and filed an  
7 Answer on Mr. Covington's behalf.  
8  
9

10 Later, upon the inception of written discovery propounded by Plaintiff Crews, defense  
11 counsel, in the course of reviewing and investigating facts relative to interrogatory and  
12 document requests, confirmed that while Defendant James Covington in fact had been an  
13 independent agent for K.F. Agency, Inc., an authorized agency of Defendant Banker's Life  
14 Advisory Services, Inc., Defendant Covington's tenure as an independent agent terminated  
15 on May 27, 2021. In Defendant's responses to Plaintiff's written discovery on May 20, 2024,  
16 Plaintiff was informed of the May 27, 2021 relationship termination of Mr. Covington and  
17 Banker's Life/K.F. Agency.  
18  
19

20 Plaintiff's Complaint alleges telephone calls at issue occurring between November,  
21 2022 and January, 2023 that form the foundation of claims. During that span of time,  
22 Defendant Covington was neither employed by nor an independent agent of the Defendant  
23 companies. Consequently, defense counsel are no longer authorized to represent Defendant  
24 Covington as he was not an authorized agent during the time frame as alleged in the  
25 Plaintiff's Complaint. For these reasons, defense counsel David F. Gaona and Steven K.  
26 Huffer move this Court for its Order allowing them to withdraw as counsel to Mr.  
27

1 Covington. Plaintiff Crews has been apprised of this Motion, and informed undersigned  
2 counsel he has no objection.

3  
4 Consistent with *LR Civ* 83.3(b)(2), undersigned counsel certify that Mr. Covington  
5 has been notified in writing of the status of this case, including the dates and times of any  
6 Court hearings or trial settings, all as set forth in this Court's Case Management Order filed  
7 April 4, 2024 (Doc 26). That written notification, together with the Case Management Order,  
8 has been sent to Defendant Covington at his last known address, an address consistent with  
9 the Plaintiff's records in which Plaintiff sent the Waiver of Service documentation to  
10 Defendant Covington in Florida. The contact information for Defendant Covington is as  
11 follows:  
12

13 James Covington  
14 1865 Sunnymeade Dr.  
15 Jacksonville, FL 32211-4940

16 For all of the above reasons, counsel for Defendant Covington, David F. Gaona and  
17 Steven K. Huffer, respectfully request this Court's Order permitting them to withdraw as  
18 counsel for Mr. Covington.  
19

20 DATED this 6<sup>th</sup> day of June, 2024.

21 **GAONA LAW FIRM**

22 /s/ David F. Gaona

23 David F. Gaona  
24 3101 N. Central Ave., Suite 720  
25 Phoenix, Arizona 85012  
26 Attorney for Defendants, Bankers Life  
27 Advisory Services, Inc., CNO Financial  
Group, Inc., K.F. Agency, Inc., Oscar Larranga and  
James Covington

**S.K. HUFFER & ASSOCIATES, P.C.**

/s/ Steven K. Huffer (*pro hac vice*)

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Indianapolis, IN 46260  
Attorney for Defendants, Bankers Life  
Advisory Services, Inc., CNO Financial  
Group, Inc., K.F. Agency, Inc., Oscar Larranga  
and James Covington

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2024, I electronically transmitted the attached document to the Clerk's Office by using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Jason Crews  
1515 N. Gilbert Rd., Ste. 107-204  
Gilbert, AZ 85234  
[Jason.crews@gmail.com](mailto:Jason.crews@gmail.com)

/s/ Priscilla Wayterra